

JERRY HOOKS,  
#87495  
  
Plaintiff,  
  
vs.  
  
BRUCE BANNISTER, *et al.*,  
  
Defendants.

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3:12-cv-00682-RCJ-WGC  
  
**ORDER**

Plaintiff submitted a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 as well as an application to proceed *in forma pauperis* on December 26, 2012 (ECF #1, #1-1). On January 28, 2013, plaintiff filed a document that he styled “amendment and supplement to complaint” that was not on this court’s complaint form (ECF #3).

First, plaintiff is informed that the court cannot refer to a prior pleading in order to make plaintiff's amended complaint complete. Local Rule 15-1 requires that an amended complaint be complete in itself without reference to any prior pleading. This is because, as a general rule, an amended complaint supersedes the original complaint. *See Loux v. Rhay*, 375 F.2d 55, 57 (9th Cir. 1967). Once plaintiff files an amended complaint, the original pleading no longer serves any function in the case.

1 Therefore, in an amended complaint, as in an original complaint, each claim and the involvement of each  
2 defendant must be sufficiently alleged.

3 Next, the Local Rules require plaintiffs appearing *pro se*, such as this plaintiff, to file  
4 all of their complaints and petitions on the court's approved forms. LSR 2-1("[a] civil rights complaint  
5 filed by a person who is not represented by counsel shall be on the form provided by this court.").

6 Accordingly, plaintiff is granted 30 days to file an amended complaint on this court's  
7 form that sets forth all claims that he wishes to bring in this action. The court notes that plaintiff has  
8 now submitted a 96-page original complaint and a 33-page purported amendment and supplement and  
9 appears to have named more than 40 defendants. Plaintiff is strongly cautioned that Fed. R. Civ. P.  
10 8(a)(2) requires "a *short and plain* statement of the claim showing that the pleader is entitled to relief"  
11 (emphasis added).<sup>1</sup> Plaintiff is also encouraged to write in print that is large enough to be legible.

12 A decision on the application to proceed *in forma pauperis* (ECF #1) is temporarily  
13 deferred.

14 **IT IS THEREFORE ORDERED** that plaintiff **SHALL FILE** an amended complaint  
15 in conformance with this order within thirty (30) days of the date of entry of this order.

16 **IT IS FURTHER ORDERED** that the Clerk shall send to plaintiff a blank form for  
17 filing a civil rights complaint as well as the Information and Instructions for Filing a Civil Rights  
18 Complaint Pursuant to 42 U.S.C. § 1983 in the United States District Court for the District of Nevada.

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24 <sup>1</sup> See also Information and Instructions for Filing a Civil Rights Complaint Pursuant to 42 U.S.C.  
25 § 1983 in the United States District Court for the District of Nevada: "The form provides three (3) pages  
26 for alleging three (3) counts. If you are alleging more than three counts, use the additional space on the  
last page, and if that is not enough, then attach an additional page for each additional count (so that there  
is only one count per page). . . . Remember, you are limited to a total of two (2) additional pages for Part  
B and C; if you have more than two (2) additional pages, you will also need to file a motion seeking  
permission from the court to file the complaint."

1                   **IT IS FURTHER ORDERED** that plaintiff is expressly warned that failure to file an  
2 amended complaint in conformance with this order may result in the dismissal of this action.

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5                   DATED: March 14, 2013.

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9 UNITED STATES MAGISTRATE JUDGE  
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